



To: Peter Graff
From: City Manager Greg Garrett
Reference: Final Notice of Discipline (Termination)

Date: November 28, 2016

On August 11, 2016, you were served with a Notice of Intent to Discipline, indicating your right to respond to the Tehachapi Police Department's pending disciplinary action against you, as reported under IA#15-06, IA#15-07 and IA#16-01. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond and raised the following relevant concerns regarding the allegations:

Allegation # 1: Failure to report or take appropriate action where a felony has occurred when responding to a call for service on December 16, 2015 and falsification of work records.

You indicated during your Skelly response the bike was stolen from the sidewalk and there were two separate incidents. You also indicated the victim stated her car had been rifled through three months earlier. The investigation clearly established the bike was stolen from inside of the garage. A records check of the address indicates there were no additional calls for service to the location for a period of over two years.

You also asserted the victim indicated the bike was stolen from the sidewalk and maintain this incident was a simple bike theft. The preponderance of evidence related to this allegation supports the fact the bike was stolen from inside the garage and a residential burglary did in fact occur.

You indicate the victim did not go to the station to complain about this incident. The Department does not allege that the victim went to the station to file a complaint. This misconduct was discovered through a call audit and this fact is clearly stated within the case investigation as well as your Notice of Intent.

It is your position that the circumstances of this incident do not add up to a residential burglary, there was no breaking and entering, and there was nothing else missing from the garage. The preponderance of evidence related to this allegation clearly establish the bike was stolen from inside the garage which by statute, constitutes a residential burglary.

You again indicated the theft of the garage door opener and the backpack were a separate call. The preponderance of evidence related to this investigation refute this claim. Additionally, a records check of the address indicates there were no additional calls for service to the location for a period of over two years. There is no evidence to support your claim of two separate incidents.

You also claimed a financial motive by the victim. There is no evidence to support this claim. The investigation clearly established the victim claimed a loss of only \$200.00 of property.

It is also your position that a felony crime report was not completed. The investigation clearly established a felony crime report was in fact taken documenting a residential burglary. This crime report (Case # 15-12-1643) was incorporated with the case investigation and provided to you prior to your Skelly Hearing.

Allegation # 2: Failure to report or take appropriate action when responding to a call for service of found property on August 5, 2015 and falsification of work records.

You indicated during your Skelly response that the reporting party, Socorro Morales told you she was going to throw the bicycle away. The preponderance of evidence related to this allegation clearly established the reporting party called to have the bicycle recovered and you directed her to throw the bike away.

You stated that Angel Morales was not present during the incident and did not witness what had occurred. The preponderance of evidence related to this allegation established Angel was present and witness to the incident.

It is your position there were multiple contacts with "Angie" in the garage of the location and indicate she had been evicted from the garage by Code Enforcement. A records check reveals there were two calls for service to the location reporting there was a female in the garage named Angie. The first incident was reported on December 14, 2015 by Balvino Morales (Incident #1512140034). The call was handled by you and your disposition read "female is leaving resid/non-criminal at this time." The second call occurred on December 21, 2015 and was again reported by Balvino Morales (Incident #1512210035). No one was found at the location. Code enforcement issued a notice of Violation to the occupants of 216 West Valley Blvd on May 20, 2015 regarding "Improper Occupancy / Sleeping/Living in Garage. The occupant responded to the notice of violation by calling Code Enforcement Officer Price and declaring no one was living in the garage. An additional notice was sent on December 21, 2015. Code Enforcement indicated there was no eviction, only the notice of violation. It was unknown who was living in the garage, but it was believed to be a son of Socorro Morales and a female. (Unknown if the female was Angela).

You also stated during your response it was not a complete bike, but was only a bicycle frame. The investigation established this was a complete bicycle with wheels, seat, and handlebars.

You stated a history of probation checks would establish “Angie” was living in the garage and you also stated there would be a record of hotel vouchers provided to “Angie” by the Department. Department records indicate there were no probation searches conducted at this location related to “Angie.” Records revealed probation searches at an address on Linden Court, Kelton Street, and at the Santa Fe Motel. Although there are no motel voucher records available, the probation search record would indicate at least one occasion where she was staying at the motel.

You also state your belief that the address in Bear Valley provided by Angie is not truly her address, but is simply used to obtain welfare benefits. Investigators were provided a document wherein Allyson Gold indicates “Angie” was renting a room from her in Bear Valley and had been doing so since July 3, 2015.

You assert that “Angie” is not credible and the Department relies upon her statement. The Department considered all of the facts presented regarding the allegation of misconduct. The statement provided by “Angie” was one piece of this investigation and was not solely relied upon to determine the finding. The statements provided by “Angie,” even if completely discredited or disregarded do not change the underlying facts regarding the alleged misconduct.

Allegation # 3: Providing false statements related to your investigation of a road rage incident reported on December 7, 2015.

During your Skelly response, you stated you had worked on this case for 2-3 weeks and had talked to two or three people. The Department was unable to locate any records documenting any follow-up conducted by you regarding this incident.

You also stated during your Skelly response that you ultimately talked to a guy who said he was involved in the incident. You were interviewed by investigators on February 11, 2016 related to this incident and you clearly stated during this interview you had NOT identified a suspect in this incident nor had you obtained a confession. You then stated in a follow-up interview on June 13, 2016 that you could not remember if you had identified someone who admitted to being the other party involved.

You indicate there was no crime and described the incident as just a couple of guys who “got their feathers ruffled.” The investigation clearly established this incident was considered much more serious by the victim who indicated he was so concerned for his safety, he had his son load his firearm which was in the glovebox.

You stated this was a resolved incident and neither party wanted to complain. The investigation into this incident clearly established the victim (Christey) was led to believe an investigation had been conducted and the other party had been

identified. This is corroborated through a chain of emails between you and Mr. Christey.

You also asserted during your Skelly response that your memory was fuzzy related to this incident and you only recalled the incident after you received a copy of the findings. Based upon the investigator's report and transcripts from your interview, you provided a great deal of detail regarding this incident including the description of the vehicle involved, the victim's place of employment and other critical details. You were directly questioned about identifying the other party involved and you indicated you had not. You did not state at any time during your interview you were having difficulty recalling the incident and the details you provided suggest otherwise.

****Allegation # 4: Failure to report or take appropriate action where a felony (Financial Elder Abuse) has occurred when responding to a call for service on November 16, 2015 and falsification of work records.****

You indicated during your Skelly response and during your interview with investigators that the victim was very cognizant. The preponderance of evidence related to this incident clearly disputes your position.

You also questioned the reliability of the victim specifically referring to the victim's statement that the notary had walked away during the transaction. You also questioned whether any follow-up investigation had been conducted related to the notary or the financial fraud itself. The financial fraud of the victim has been investigated and has in fact been submitted to the Kern County District Attorney. The incident with the notary was investigated and evidence obtained supports the victim's version of the incident.

You indicated there was no contract or deed provided to support the fact the mobile home ownership was fraudulently transferred. The criminal investigation into this incident revealed records from the Housing and Community Development indicating ownership had in fact been transferred to the suspect.

You again claim the suspect (handyman) was a longtime family friend of the victim for 20 years and he was closer to her than anyone. The preponderance of evidence obtained during this investigation clearly established this is not true and the victim had only known the suspect for approximately two weeks.

You also assert the victim was in the vision of the Chief when you interviewed her in the station lobby and indicate no attempt by the victim to alert someone that something was wrong. The station lobby is not within view from the Chief's office and the victim stated she had attempted to alert you that something was wrong by asking you if you were going to arrest her.

Allegation # 5: Failure to report or take appropriate action where a misdemeanor (Theft) has occurred when responding to a call for service on August 25, 2015 and falsification of work records.

During your Skelly response, you indicate this was two incidents bundled into one and state the reporting party is describing Officer Horning as the officer involved in the misconduct. The investigation clearly established this was a single incident and you were the officer who responded and refused to take a report.

Allegation # 6: Falsely accusing another officer of excessive/unnecessary force on or about December 31, 2012. Further misleading and false statements were provided during a subsequent Internal Affairs Investigation (IA# 12-11) on May 8, 2013.

During your Skelly response you assert no punitive action can be taken regarding this misconduct due to the time limitations of one year pursuant to Government Code 3304(g). Although the initial incident occurred in 2012, the investigation established the Department did not discover the misconduct until September of 2015.

Allegation # 7: Providing misleading and false statements related to a domestic violence incident at your home on June 20, 2015.

During your Skelly response you assert no punitive action can be taken regarding this misconduct due to the time limitations of one year pursuant to Government Code 3304(g). Although the initial domestic violence incident occurred on June 20, 2015, the investigation established the Department did not discover the misconduct until November of 2015.

Allegation # 8: Deliberate failure to carry out or follow lawful directives or orders from any supervisor or person in a position of authority by contacting a witness in this investigation and discussing the investigation after having been ordered not to do so on January 11, 2016.

During your Skelly response, you stated you had spoken with Mr. Feliciano for only a short period of time and assert you did not discuss the case with him at all. You also indicate that it is generally known within the community that you are “whistleblower.” The preponderance of evidence related to this allegation directly refutes this claim.

After reviewing the response provided to support your position during the Skelly Hearing, the recommended disciplinary action of **termination** from your current position of Police Officer with the Tehachapi Police Department will be imposed.

You are hereby notified that you are terminated from your current position of Police Officer effective immediately upon receipt of this notice.

A. Causes for Proposed Disciplinary Action

The proposed disciplinary action is based on the following violations of the following Tehachapi Police Department and City of Tehachapi policy sections:

Tehachapi Police Department Policy 440.3 Conduct Which May Result in Discipline:

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to the department service:

Tehachapi Police Department Policy 440.3.5(c) – Performance

Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

Tehachapi Police Department Policy 440.3.5(e)

Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

Tehachapi Police Department Policy 440.3.5(i)

The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Tehachapi Police Department Policy 440.3.5(q)

Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

Tehachapi Police Department Policy 440.3.5(o)

Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

Tehachapi Police Department Policy 440.3.5(p)

Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

Tehachapi Police Department Policy 440.3.5(m)

Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

Tehachapi Police Department Policy 440.3.5(aa)

Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

Tehachapi Police Department Policy 440.3.5(ad)

Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Tehachapi Police Department Policy 444.1.1 – Report Preparation

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

Tehachapi Police Department Policy 444.2 – Required Reporting

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

Tehachapi Police Department Policy 444.2.1(a)

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report*
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher's log*
- (c) In every case where any force is used against any person by police personnel*

Tehachapi City Personnel Manual Section 6 (A)(2)(a)

Violation of any department rules, City Policy or City regulation, ordinance or resolution.

Tehachapi City Personnel Manual Section 6 (A)(2)(e)

Making any false statement, omission or misrepresentation of a material fact.

Tehachapi City Personnel Manual Section 6 (A)(2)(g)

Unsatisfactory job performance.

Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Dishonesty.

B. Acts or Omissions Leading to the Proposed Disciplinary Action

The above violations are based on your commission of the following conduct. Please note that any of these acts, alone, constitutes a sufficient basis to impose the proposed disciplinary action.

Allegation # 1: Failure to report or take appropriate action where a felony has occurred when responding to a call for service on December 16, 2015 and falsification of work records

On December 16, 2015, at approximately 1545 hours, Laura Butterbredt telephoned the Tehachapi Police Department to make a report. Butterbredt told the dispatcher that someone had broken into her cars and used the garage door opener to make entry into the garage of her house located at 95 White Oak Drive in the City of Tehachapi. She stated they (suspect) then stole a bicycle and took the garage door opener. This conversation between Laura Butterbredt and the dispatcher was recorded.

You were assigned the call at approximately 1549 hours. The narrative of the call indicated the reporting party's garage had been broken into and a bicycle and garage door opener had been stolen. After unsuccessfully attempting to have the call reassigned to an officer at the desk, you arrived at the location at approximately 1558 hours. A short time later (1614 hours), you broadcast over your department radio that the reporting party was declining any type of a report and was requesting extra patrol only. This radio broadcast is also recorded.

Sergeant Jason Dunham believed the disposition you provided over the radio was unusual based upon the nature of the call and contacted Laura Butterbredit to verify what had occurred. Butterbredit repeated the information she had provided to the dispatcher and informed Sergeant Dunham that an unknown suspect had entered her unlocked vehicle and used the garage door opener to access her attached garage and steal her son's bicycle. Sergeant Dunham asked her why she did not want to file a report of the incident. She informed Sergeant Dunham that she had in fact filed a report with you and indicated that she needed the report number to provide to her landlord.

Butterbredit believed you had taken a crime report and told Sergeant Dunham that you told her you would add her to the patrol that night. Sergeant Dunham's inquiry determined that a felony crime (Residential Burglary) had occurred and he provided the victim with a report number and directed Officer Alvarez and Officer Horning to respond to the location and complete the crime report.

Officer Alvarez and Officer Horning contacted Butterbredit on December 17, 2015, at approximately 1654 hours to obtain the information for the report. Butterbredit again repeated the information she had previously provided to both the dispatcher and to Sergeant Dunham. She stated that someone had entered her unlocked vehicle and stole a backpack and her garage door opener. She also stated the garage door was opened and her son's Mongoose bicycle, valued at approximately \$120.00, was stolen from inside the attached garage. Officer Horning and Officer Alvarez prepared a crime report documenting the felony crime of residential burglary.

On February 11, 2016, at approximately 1400 hours, you were interviewed by Investigator Mike Van Atta and Investigator Ben Chavez pursuant to this Internal Affairs Investigation. You provided misleading and false statements to the investigators regarding the burglary of Butterbredit's garage and the theft of her son's bicycle. You stated you were told by Butterbredit that her son's bicycle was stolen from the front walkway and was valued at \$10.00. You further told investigators Butterbredit did not want a report taken as she was going to buy a new bike the following Saturday for her son's birthday.

Investigators interviewed Butterbredit on May 9, 2016. Butterbredit again repeated the same account of the incident she had provided to the dispatcher, to Sergeant Dunham, and to Officers Alvarez and Horning. She stated her unlocked car had been ransacked and her garage door opener was used to open the garage where her stepson's bicycle was stolen. She stated the garage door opener was also stolen. Butterbredit confirmed this was the same account of the burglary she provided to you on December 16, 2015. She told investigators she did not tell you the bicycle was left on the sidewalk or walkway as

you told investigators during your interview on February 11, 2016. She also told investigators the bicycle was inside the garage and she never told you she did not want a report. Butterbredt told investigators the bike was valued at approximately \$100.00.

On June 13, 2016, you were again interviewed by Investigator Mike Van Atta and Ben Chavez pursuant to this Internal Affairs Investigation. You provided additional misleading and false statements to investigators regarding the burglary of Butterbredt's garage and the theft of the bicycle. You told investigators that Butterbredt did not tell you that her unlocked vehicle had been entered nor did she tell you the garage door opener was used to open the garage door. You were again dishonest and provided false statements when you told investigators that Butterbredt did not tell you the bicycle was stolen from inside the garage. You provided additional false statements to investigators when you stated Butterbredt's garage door opener had been missing for six months and was not stolen that day and were dishonest when asserting Butterbredt told you she did not want a report.

You failed to take appropriate action on the occasion of a felony crime (Residential Burglary) and failed to properly document the incident in a written crime report as required by department policy. You falsified work-related documents (officer log) when stating the reporting party did not desire a report. During two separate interviews regarding this misconduct, you not only failed to accept any responsibility for your failure to take appropriate action, but you repeatedly provided false and misleading statements to investigators and demonstrated dishonesty throughout the investigation.

The preponderance of the evidence indicates that your actions as related to **Allegation #1** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(c)
- Tehachapi Police Department Policy 440.3.5(i)
- Tehachapi Police Department Policy 440.3.5(q)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi Police Department Policy 444.1.1
- Tehachapi Police Department Policy 444.2
- Tehachapi Police Department Policy 444.2.1(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(g)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Based upon the nature of misconduct contained in **Allegation #1**, a random audit was conducted of your calls for service for the six-month period preceding this allegation. This audit revealed the following additional allegations of misconduct:

Allegation # 2: Failure to report or take appropriate action when responding to a call for service of found property on August 5, 2015 and falsification of work records

On August 5, 2015, at approximately 1600 hours, Socorro Morales telephoned the Tehachapi Police Department to report a found bicycle in her yard. It was unknown if the bicycle was stolen. You were dispatched the call for service at approximately 1612 hours and arrived at the location at approximately 1630 hours.

At approximately 1639 Hours, you broadcast over you department radio that the bike in question was complete trash and the reporting party would be discarding the item. This radio transmission containing your disposition of the call is recorded.

Investigators representing the Tehachapi Police Department contacted Morales on February 4, 2016, to verify the circumstances of your contact with her regarding the bicycle. Morales stated she found the bicycle propped up against her garage with a note attached. The note was to her son Raul and asked him to return the bike to a specific person. Morales could not recall the name that the bike was to be returned to. She did not want to take responsibility for the bike and called the Tehachapi Police Department to come remove the bike.

Morales stated she showed you the bicycle and the note and told you she did not want to take responsibility for the bike, nor did she want anyone in her family to be accused of stealing the bicycle. Morales stated you refused to take possession of the bike and you told her to deal with it. She further stated that you told her to place the bike at the curb or put it in the trash. Morales said the bike was in good condition and she did not want to put it in the trash because she knew someone was missing his or her bike. Morales said it was pointless to argue with you so she complied and placed the bike in the trash. She believed you should have taken the bicycle to the station to locate the owner or maintain possession of the bike if someone were to come looking for it.

On February 11, 2016, at approximately 1400 hours, you were interviewed by Investigator Mike Van Atta and Investigator Ben Chavez pursuant to this Internal Affairs Investigation. You provided misleading and false statements to the investigators regarding your contact with Morales and the circumstances surrounding the bicycle. You told investigators the note indicated the bike belonged to Angela and further stated that Angela lived on the property. You stated Morales did not like Angela and wanted her and her property gone. You stated that you refused to take the bike because it was not found property. This statement was completely inconsistent with your previous verbal report to dispatch indicating the bike in question was complete trash and the reporting party would be discarding the item. When confronted with this inconsistency, you altered your statement and indicated that Morales said it was trash and said she was going to throw it out. You further added that the bike had a note on it indicating that the owner of the bike lived at the location and would be back for it.

On May 7, 2016, investigators conducted a follow-up interview with Morales. Morales' statement was consistent with her statement provided during the first interview. You refused to take the bike and told her to put it at the curb or throw it in the trash. Morales stated she did not tell you the bike was trash as you indicated during your interview with investigators on February 11, 2016. Morales indicated that her son Angel Gonzales was present during your conversation with her regarding the bike. Investigators interviewed Angel Gonzales and he confirmed he was present for most of the conversation between you and Morales. Gonzales told investigators he heard you tell Morales to give the bike to one of her kids, throw it away, or leave it out in the street. Gonzales' statement corroborates the account of the incident provided by Morales.

Investigators discussed the content of the note that was on the bike with Morales. She could not recall the content of the note, but believed the note was addressed to her son Raul. Morales stated the name Angela was not on the note. Morales confirmed Angela was dating her son, but indicated she did not live at the residence as you stated during your interview on February 11, 2016. Morales also stated she did not have a discussion with you about the bike belonging to Angela as you indicated during your interview with investigators on February 11, 2016.

Investigators identified and located Angela Dibiasio-Lelievre. Angela was interviewed regarding the bike and stated the bike was not hers and she had not owned a bike since she was a child. Angela stated she did not live at the location on Valley as you indicated during your interview. She provided rent receipts from her landlord in Bear Valley indicating she was living in Bear Valley at the time of this incident. The landlord verified her residency in a written statement to investigators. Angela further stated she did not begin dating Morales' son until December of 2015, four months after the incident involving the bike.

You failed to take appropriate action during a call for service for found property. You failed to properly document the incident in a written report and you falsified work-related documents (officer log) when stating the bike was completely discarded trash. During two separate interviews regarding this misconduct, you failed to accept any responsibility for your failure to take appropriate action and you repeatedly provided false and misleading statements to investigators and again demonstrated dishonesty throughout the investigation.

The preponderance of the evidence indicates that your actions as related to **Allegation #2** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(c)
- Tehachapi Police Department Policy 440.3.5(i)
- Tehachapi Police Department Policy 440.3.5(q)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi Police Department Policy 444.1.1

- Tehachapi Police Department Policy 444.2
- Tehachapi Police Department Policy 444.2.1(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(g)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

****Allegation # 3: Providing false statements related to your investigation of a road rage incident reported on December 7, 2015****

Doug Christey telephoned the Tehachapi Police Department on December 7, 2015, at approximately 1242 hours to report an apparent road rage incident. You were assigned the call at approximately 1246 hours and arrived at approximately 1303 hours. You cleared the call at approximately 1325 hours indicating no crime had occurred and nothing was observed on camera.

Christey was interviewed by investigators regarding this incident on February 4, 2016. Christey told investigators he was travelling through Tehachapi with his 15-year-old son on December 4, 2015. As he was leaving the Love's Truck Stop, his vehicle was nearly struck by another vehicle. This appeared to Christey to be an intentional act on part of the other driver. The driver began to pursue Christey and his son onto Highway 58 at very dangerous speeds and distance. Christey is a security officer for the United States Air Force and became concerned for his safety. He believed the vehicle pursuing him was possibly a suspect related to a criminal investigation he was involved with. Christey called 911 to report the incident and had his son retrieve his handgun. Christey was able to evade the other vehicle and did not have any further contact with law enforcement that night.

Christey told investigators he provided you with a statement on December 7, 2015, regarding the apparent road rage incident and explained to you why he believed he was being targeted. Christey stated that you told him based on the description of the car and the attitude of the driver, you believed you had an idea who the suspect was and that he had a violent past. You told Christey you would attempt to locate the suspect and get back to him. Christey did not believe there was sufficient evidence to prove the offense in court and did not request a report. Christey told investigators you later contacted him and told him you had located the suspect in the incident and the man confessed to chasing Christey.

On February 11, 2016, at approximately 1400 hours, you were interviewed by Investigator Mike Van Atta and Investigator Ben Chavez pursuant to this Internal Affairs Investigation. You provided misleading and false statements to the investigators regarding your contact with Christey and the circumstances surrounding the investigation of the road rage incident that occurred on December 4, 2015.

You told investigators that you determined no crime had occurred and no report was requested by Christey. When asked if you told Christey you had identified a suspect,

you told investigators you only told Christey you may know who the suspect was based upon the description and you would attempt to locate the suspect to see if he was involved. You told investigators you located a couple of cars matching the description, but when asked if anyone confessed to being involved in the incident, you said "no."

Christey provided investigators with copies of an email exchange between you and Christey. Identical email records were obtained from the Tehachapi Police Department records. These records indicate Christey sent an email to your Tehachapi Police Department email address on December 14, 2015 at 1128. Christey provided you information on the suspect involved in his investigation that he believed was possibly the driver of the vehicle in the road rage incident. The next email in the exchange is from Christey sent to you on January 7, 2016 asking if you were able to determine if "Mr. Urban" was the individual in the video. You responded to this email from your Tehachapi Police Department email account on January 11, 2016, at 0721 Hours. You informed Christey that you located the individual involved in the incident and that you had counselled the person on the matter. You further wrote in your email to Christey that the individual you counselled had stated that Christey instigated the matter. This email exchange clearly corroborates Christey's statement that you told him you had identified the suspect and the individual had confessed to chasing Christey. This email exchange clearly establishes that you were dishonest and provided false statements to investigators during your interview on February 11, 2016, when you stated no suspect had been identified and no one confessed to being involved in the incident.

You were again interviewed by investigators on June 13, 2016, regarding this incident. You told investigators you did not recall identifying anyone and when asked if you contacted anyone who admitted to being the other party involved in the incident, you stated you did not remember.

You failed to take appropriate action on the occasion of a possible felony crime (Assault with a Deadly Weapon) and failed to properly document the incident in a written crime report as required by department policy. During two separate interviews regarding this incident, you provided false and misleading statements to investigators and demonstrated dishonesty throughout the investigation.

The preponderance of the evidence indicates that your actions as related to **Allegation #3** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(c)
- Tehachapi Police Department Policy 440.3.5(i)
- Tehachapi Police Department Policy 440.3.5(q)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi Police Department Policy 444.1.1
- Tehachapi Police Department Policy 444.2
- Tehachapi Police Department Policy 444.2.1(a)

- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(g)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Allegation # 4: Failure to report or take appropriate action where a felony (Financial Elder Abuse) has occurred when responding to a call for service on November 16, 2015 and falsification of work records

On November 16, 2015, William Feliciano telephoned the Tehachapi Police Department to report an incident of possible financial fraud committed against an elderly tenant in the mobile home park.

You were assigned the call at approximately 1532 hours. The narrative of the call indicated that the reporting party (Feliciano) had an elderly tenant that told him her handyman had tried to have her sign a paper and possibly con her for money. You arrived at the location at approximately 1532 hours. At approximately 1614 hours, you broadcast over your Department radio that the financial fraud was unfounded and stated it was a tentative roommate agreement with the subjects involved.

Feliciano was interviewed by investigators regarding this incident on February 4, 2016 and again on May 7, 2016. Feliciano told investigators an elderly tenant who resided in the mobile home park had been the victim of fraud. Feliciano explained that he heard the tenant, Linda Sharp, was going to sign over her mobile home to a handyman who had done some work for her. Feliciano told investigators Sharp had recently been released from the hospital and he believed she was taking too much medication and was not capable of making financial decisions of this nature due to her current mental state. Feliciano spoke with Sharp and learned that the handyman (John Merrifield) had taken Sharp to a notary and she had in fact signed a document releasing interest in the mobile home to Merrifield. Feliciano reported the incident to the Tehachapi Police Department.

Feliciano told investigators you arrived at the mobile home park to investigate the incident. Feliciano stated he told you the handyman had done approximately \$200 worth of work for Sharp and had convinced her into signing over her mobile home in exchange for this work. Feliciano stated he also told you the handyman had attempted to withdraw funds from Sharp's bank account and had placed a padlock on the exterior back door of Sharp's mobile home while she was still inside. Feliciano stated he told you Sharp had only known the handyman for approximately one week. Feliciano indicated he was present when you interviewed Sharp at the mobile home. Feliciano heard Sharp tell you the handyman had gone to her bank and attempted to withdraw funds. He also heard her tell you that the handyman had placed a padlock on her backdoor and he had her sign a piece of paper.

Feliciano said you invited the handyman and Sharp to the police station to further investigate the incident. Feliciano stated you later told him the handyman had not committed a crime and that Sharp had voluntarily signed over her mobile home.

Feliciano further indicated that you had conferred with other law enforcement officials regarding the incident.

Investigators also interviewed Linda Sharp regarding this incident. Investigators noted that Sharp had difficulty hearing, an inability to walk, and also demonstrated some confusion. Sharp stated you came to her home and indicated you spoke to her through the window. Sharp indicated she had difficulty remembering what she told you and indicated she was over-medicated at the time. Sharp did however relate to investigators the same account of the events as presented by Feliciano. She stated she had only known the handyman for approximately one week. The handyman had attempted to access her Alta One account, and he had placed a padlock on her back door.

Sharp recalled speaking with you at the police department and indicated Merrifield was present. She stated Merrifield turned sideways so she couldn't see him talking with you. She said she was looking at you trying to say, "help" but she did not know how to go about it. She said she would once in a while ask if you were going to arrest her. She stated Merrifield did all of the talking.

On November 16, 2015, you discussed the circumstances of the mobile home ownership transfer with Chief Kroeger. You clearly misrepresented the facts of this case and told Chief Kroeger that an elderly woman with health issues wanted to leave her mobile home to a longtime friend who had been caring for her. You stated the elderly woman's friends were concerned she was being taken advantage of. You represented the mental state of the elderly woman to be fully lucid and indicated she had no family and simply wanted to leave the mobile home to the longtime friend upon her passing. You indicated you did not believe there was any type of criminal activity that had occurred. Based upon the information you had provided Chief Kroeger, he concurred with your findings.

On February 6, 2016, Officer Michael Adams contacted both Feliciano and Sharp to investigate the allegations of financial fraud perpetrated against Sharp. Feliciano and Sharp related essentially the same account of the events to Officer Adams as they had related to you on November 16, 2015. Feliciano told Adams Merrifield had tricked Sharp into signing over her mobile home. Sharp told Adams she had only known Merrifield a short time and indicated she met Merrifield on November 3, 2015. Sharp obtained this date from a calendar book where she had notes written for each month. Merrifield offered to do maintenance on Sharp's mobile home and she agreed. She told Adams Merrifield had taken her to the UPS store in Tehachapi on November 16, 2015, to a notary. The notary walked away briefly and Merrifield physically manipulated her hand to sign her name on an unknown document. She also told Officer Adams Merrifield had placed a padlock on her back door and asked her about credit cards. Sharp told Adams she told Feliciano about what had occurred. Officer Adams prepared a criminal report documenting a felony theft from a dependent/elder adult.

On February 11, 2016, at approximately 1400 hours, you were interviewed by Investigator Mike Van Atta and Investigator Ben Chavez pursuant to this Internal Affairs Investigation. You provided misleading and false statements to the investigators regarding your contact with Feliciano and Sharp and the circumstances surrounding the

investigation of the possible financial fraud that was reported to you on November 16, 2016.

You told investigators you determined no crime had occurred and indicated Sharp was completely lucid and in control of her faculties. You also told investigators Sharp had known the handyman for 20-25 years and she wanted the mobile home to go to him when she passed. This statement is completely contradictory to the information Feliciano and Sharp indicate was provided to you on November 16, 2015.

On June 13, 2016, you were again interviewed by Investigator Mike Van Atta and Investigator Ben Chavez regarding this incident. You stated you did not recall Feliciano telling you Merrifield had attempted to withdraw funds from Sharp's bank account. You also stated Feliciano did not tell you Merrifield was attempting to have Sharp sign over her mobile home in exchange for work. You also denied being told the back door had been padlocked and denied being told Sharp had only known Merrifield for approximately one week. You also indicated you did not recall conferring with the Chief or anyone else regarding the case.

You failed to take appropriate action on the occasion of a felony crime (Financial Elder Abuse) and failed to properly document the incident in a written crime report as required by department policy. You falsified work-related documents (officer log) when stating the allegations were unfounded and it was a tentative agreement between roommates. You provided false or misleading statements, or misrepresented or omitted material information to the Chief of Police in connection with the investigation or in the reporting of any department-related business. During two separate interviews regarding this misconduct, you failed to accept any responsibility for your failure to take appropriate action, and you repeatedly provided false and misleading statements to investigators and demonstrated dishonesty throughout the investigation.

The preponderance of the evidence indicates that your actions as related to **Allegation #4** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(c)
- Tehachapi Police Department Policy 440.3.5(i)
- Tehachapi Police Department Policy 440.3.5(q)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi Police Department Policy 444.1.1
- Tehachapi Police Department Policy 444.2
- Tehachapi Police Department Policy 444.2.1(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(g)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Allegation # 5: Failure to report or take appropriate action where a misdemeanor (Theft) has occurred when responding to a call for service on August 25, 2015 and falsification of work records

On August 25, 2015, Julie Woodward telephoned the Police Dispatch Center at Bear Valley Springs to report a theft of diesel fuel from the Love's Truck Stop.

You were assigned the call at approximately 1602 hours. The narrative of the call indicated a named customer failed to pay for fuel after pumping last night. The reporting party was unable to contact the customer by telephone. You arrived at the location at approximately 1602 hours. At approximately 1614 hours, you broadcast over your Department radio that the reporting party (Julie) had declined a report at this time. You further indicated she was waiting for Love's customer service to re-contact her whether to make a report or not and she believed the no pay may be related to a computer glitch.

Investigators interviewed Julie Woodward regarding this incident on February 4, 2016 and again on May 11, 2016. She recalled the incident and stated it involved a truck driver failing to pay for approximately \$300-\$400 worth of fuel. She stated you appeared upset there was no surveillance footage available of the theft and added that you were rude. She stated you told her to do a counter report in the future and that this type of call did not warrant a police response. She did not remember stating there was any type of computer glitch, but may have said there may have been a miscommunication with the driver. She fully expected to file a report and she did not decline to file a report as you indicated in your call clearance.

On February 11, 2016, at approximately 1400 hours, you were interviewed by Investigator Mike Van Atta and Investigator Ben Chavez pursuant to this Internal Affairs Investigation. You indicated you had no recollection of this incident.

You failed to take appropriate action during a call for service where a misdemeanor crime had occurred and the victim was desirous of a report. You failed to properly document the incident in a written report as required by Department policy and you falsified work-related documents (officer log) when stating the reporting party declined a report at this time.

The preponderance of the evidence indicates that your actions as related to **Allegation #5** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(c)
- Tehachapi Police Department Policy 440.3.5(i)
- Tehachapi Police Department Policy 440.3.5(q)
- Tehachapi Police Department Policy 440.3.5(m)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)

- Tehachapi Police Department Policy 444.1.1
- Tehachapi Police Department Policy 444.2
- Tehachapi Police Department Policy 444.2.1(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(g)

Allegation # 6: Falsely accusing another officer of excessive/unnecessary force on or about December 31, 2012. Further misleading and false statements were provided during a subsequent Internal Affairs Investigation (IA# 12-11) on May 8, 2013.

On December 31, 2012, you sent an email to Sergeant Kevin Paille alleging that Officer Matt Goe had used excessive and unnecessary force on a suspect during a detention on December 16, 2012. In the email, you stated you observed Officer Goe kick the suspect in the back of his head and neck area. You stated the suspect was following orders at the time and you observed no justifiable reason for this use of force. As a result of your allegations, Officer Goe became the subject of an internal affairs investigation (IA# 12-11) for excessive force.

You were interviewed as a witness related to this investigation on May 8, 2013. You told investigators you observed Officer Matt Goe hitting the handcuffed suspect in the base of his skull and neck area with the bottom of his boot. You further stated the suspect was laying on his stomach and looking up and Officer Goe kicked the suspect with enough force to shove his head back to the ground. When asked to describe the kick by Officer Goe, you described his actions as a thrusting type kick to the back of the head. Investigators asked if you discussed this incident with Officer Goe. You indicated you had not discussed the incident and told investigators there was a division within the department and you and Officer Goe were on separate sides of that division. You further alleged that you had several allegations and complaints against you and accused other officers of following you around.

Officer Zachary St. John was present when the alleged force incident occurred involving Officer Goe. Officer St. John was interviewed by investigators on September 18, 2013. Officer St. John recalled the incident and stated the suspect was on his stomach. He believed the suspect was handcuffed by Officer Goe, searched, and taken into custody. Officer St. John told investigators he did not see Officer Goe or any other officer kick the suspect in the back of the head. He did not observe any use of force on the suspect.

Officer Goe was interviewed by investigators related to the allegation of excessive and unnecessary force. He told investigators the suspect was lying on his stomach when he and Officer St. John approached. He was unsure of who handcuffed the suspect and denied kicking the suspect.

Deputy Todd Newell from the Kern County Sheriff's Department was also present and witnessed the incident involving Officer Goe. Deputy Newell prepared a written

report documenting his observations and indicated he observed the suspect lying face down while he was handcuffed. He did not observe Officer Goe or any other officer kick or strike the suspect.

Investigators determined there was no evidence gathered to support your allegation of excessive force and recommended a finding of "exonerated."

In September of 2015, Officer Goe informed Chief Kroeger that you had apologized to him for fabricating the allegations of excessive force in December of 2012. Officer Goe told the Chief you admitted to fabricating these allegations in an effort to retaliate against him for informing the previous Chief (Kermode) that you had possibly unlawfully towed a vehicle from a driveway.

Officer Matt Goe was interviewed by investigators pursuant to this internal affairs investigation on February 1, 2016. Officer Goe told investigators sometime in July of 2015, you told Goe you were going to the church while on-duty to talk to one of the pastors because you had recently learned your wife had cheated on you. Officer Goe agreed to cover the calls in the city while you went to church. A couple of weeks later, you approached Officer Goe in the police station and told him your pastor had recommended you make amends for wrongs you had done to people over the years. You then proceeded to tell Officer Goe you made up the allegations regarding the internal affairs investigation he (Goe) was involved in. Goe stated you told him you were mad at him for writing an email to Chief Kermode about towing a car out of a driveway. Goe alleges you told him you were retaliating and wanted to get him in trouble.

On February 11, 2016, you were interviewed by investigators related to this internal affairs investigation. You told investigators you recalled the incident from December of 2012 where you alleged Officer Goe had used unnecessary and excessive force on a handcuffed suspect. You told investigators the misconduct you reported was "a kicking strike to the face after the subject was detained." You stated you had not discussed the incident with Officer Goe and stated you did not attempt to make amends with Officer Goe.

On June 13, 2016, you were again interviewed by investigators regarding this incident. You told investigators that you did not tell Officer Goe your pastor recommended you make amends and you also denied apologizing to him for making up allegations of excessive force. You denied stating you were retaliating and that you were trying to get him in trouble.

You were asked to again explain the actions of Officer Goe which prompted you to claim he had used unnecessary and excessive force. You stated a suspect was laid down on the ground and was being compliant. You stated Officer Goe kicked the suspect after he was down. You stated Officer Goe was kicking the suspect in the "upper torso area." You then told investigators the kicking was one kick to the left shoulder area.

In December of 2012, you accused a fellow officer of an excessive use of force which resulted in an internal affairs investigation. You made this allegation of excessive

force within days of this same officer reporting you to the Chief of Police for the possible unlawful towing of a vehicle out of a driveway. An investigation revealed no evidence of excessive force, and in fact revealed that your statement regarding the officer's actions was completely inconsistent with the statement of three other officers who were present.

Of the four officers present at the scene, you were the only officer who reported witnessing a "thrusting kick" to the base of the skull. During a subsequent interview, you described the force you witnessed as a "kicking strike to the face" and then in a follow-up interview, you described the excessive force as a kick to the "upper torso" or shoulder area. Based upon the inconsistency of your statements regarding such a significant event, and the fact these statements are completely inconsistent with the statements of other officers present, it is clear you provided false and misleading statements to initiate internal affairs investigation IA#12-01 in December of 2012, and were again dishonest with investigators throughout the course of this investigation. Although, there were no witnesses to the alleged admission by you to Officer Goe, Goe provided details of this admission which provide substantial credibility to his version of the incident.

The preponderance of the evidence indicates that your actions as related to **Allegation #6** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(m)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Allegation # 7: Providing misleading and false statements related to a domestic violence incident at your home on June 20, 2015.

During the early morning hours of June 20, 2015, you sent a text message to Bear Valley Springs Police Chief Jeff Kermode. You reported to Chief Kermode that you had been attacked by your wife April. You further stated that you had documented photographs and threatened to go to the newspapers if the situation was not handled immediately. The content of this text message was retained by Chief Kermode and is attached with this investigation. At the time of this incident, your wife April was employed as a Police Officer for the Bear Valley Springs Police Department.

Approximately three hours later on June 20, 2015, you sent a text message to the Tehachapi Police Department Chief, Kent Kroeger. You reported to Chief Kroeger that your wife had "flipped out" and caused minor injuries to your head and arms. You stated your desire for an arrest and for the issuance of a Temporary Restraining Order (TRO). This text message was retained by Chief Kroeger and is attached with this investigation.

Chief Kroeger directed you to contact the Kern County Sheriff's Department and have a unit respond to conduct the domestic violence investigation. At the Chief's direction, you telephoned the Kern County Sheriff Dispatcher. You told the dispatcher you had been directed to call by your Chief. You informed the dispatcher your wife had "flipped out" and started "scratching and stuff" on you. You declined any medical treatment and told the dispatcher the only injuries you sustained were little scratches. The dispatcher obtained your address and agreed to send a unit to your home to investigate the incident.

Deputy Daniel Andre and Senior Deputy Amanda Plugge from the Kern County Sheriff's Department responded to your residence to investigate the reported domestic violence incident. Deputy Andre prepared a crime report documenting his investigation. His report indicates that you reported to him that your wife caused a scratch on your arm and on your head during a struggle for her cell phone. You told Andre however, that your wife had not tried to attack you. Deputy Andre was interviewed by investigators pursuant to an internal affairs investigation conducted by the Bear Valley Springs Police Department related to the reported domestic violence incident. Deputy Andre's statement during this interview was consistent with his written report documenting the incident.

Senior Deputy Amanda Plugge also prepared a crime report documenting her investigation into the incident. Her report indicates that you received scratches on your forehead during a struggle for a cell phone with your wife. Her report also indicates that you told your wife after the struggle for the phone that you had scratches on your head, neck, and back and you were going to have her arrested for battery. Senior Deputy Plugge was also interviewed by investigators pursuant to an internal affairs investigation conducted by the Bear Valley Springs Police Department related to the reported domestic violence incident. Her statement during this interview was consistent with her written report documenting the incident. She added that at no time did you indicate that you did not want to report the incident and that you appeared frustrated when she advised you she did not intend to arrest your wife.

Chief Kroeger was notified by the Bear Valley Springs Police Department of their internal affairs investigation involving your wife. They informed Chief Kroeger they would need to interview you as a witness in their investigation. Chief Kroeger advised you of their intent to interview you regarding the domestic violence incident at your home and he directed you to cooperate with investigators and to answer their questions related to the incident. You agreed to cooperate with investigators.

On July 20, 2015, you were interviewed as a witness by investigators. During this interview, you told investigators you did not know how you received the injury (scratch) on your head and indicated you received the injury (scratch) to your arm by burning your arm on the oven when ribs fell off of the rack. You told investigators your wife had not attacked you and you did not believe she could have caused the injuries the way the event occurred. You also told investigators that you did not tell your wife you were injured. These statements are inconsistent with statements you had previously provided to Chief Kroeger, Chief Kermode, the Kern County Sheriff Dispatcher, and the two Sheriff's Deputies who investigated the incident at your home.

Despite having reported serious allegations of domestic violence to two Police Chief's and to the Sheriff's Department, you now told investigators during this interview you did not believe a domestic violence incident had occurred. You indicated you wanted an "information only" report and stated the deputies who responded moved forward with the domestic violence investigation. You did not recall ever saying you wanted your wife arrested. Although you had reported to Chief Kroeger, Chief Kemode, and the Kern County Dispatcher that your wife had "flipped out" and attacked you, you now told investigators that was not the case. You indicated no one was "wiggling out" and described the volume of your voices being lower during the confrontation than your voices were with the investigators during the interview. You accused the deputies of pushing for the domestic violence when you did not want that.

Investigators questioned you regarding a verbal dispute you had with a Bear Valley Police Officer who allegedly had an affair with your wife. This affair and subsequent verbal dispute were directly related to the domestic violence incident which occurred at your home. You did not cooperate with investigators and refused to answer any questions related to this topic. You told investigators you could not talk about this because you were the subject of an internal affairs investigation. At the time of this interview (July 20, 2015), you were not the subject of an investigation nor had you received notice that you were the subject of an investigation. You had in fact been ordered to cooperate with the investigation.

You became the subject of this investigation and were given notice of your status as a subject on January 11, 2016. Investigator Mike Van Atta and Investigator Ben Chavez interviewed you regarding this case on March 9, 2016. You told investigators you did not want your wife arrested for the domestic violence incident you had reported and you did not want a restraining order issued. You stated you told the deputies when they were at your home that you did not want your wife arrested. You admitted to sending a text message to Chief Kemode and threatening to contact the media if he failed to take action. Despite having previously reported that you were attacked by your wife, you now told investigators your wife had not attacked you.

You acknowledged to investigators that you were directed by Chief Kroeger to cooperate with the internal affairs investigation being conducted by Bear Valley Springs Police Department and indicated you were completely honest with the investigators. You were questioned regarding your previous assertion that you were unable to answer questions because you were the subject of an internal affairs investigation. You now stated you did not know if you were the subject of an investigation at the time of your July 20, 2015 interview. Under further questioning regarding this issue, you stated you were being truthful when you told investigators on July 20, 2015, that you were the subject of an internal affairs investigation. You then admitted you had not been given written notice that you were the subject of an investigation.

You stated the deputies were responsible for pursuing the incident as a domestic violence incident and told investigators no one was "flipping out" and stated neither you nor your wife even raised your voices during the incident. You did not recall sending a text message to Chief Kroeger stating your wife had "flipped out" and demanding an arrest and the issuance of a Temporary Restraining Order.

You were again interviewed by investigators on June 13, 2016, regarding the domestic violence incident. You insisted you were honest with investigators during your interview on July 20, 2015 and stated your wife had not physically assaulted or attacked you on June 20, 2015.

You contacted the Bear Valley Springs Police Chief and the Tehachapi Police Chief and reported serious criminal domestic violence allegations against your wife who was a Police Officer with the Bear Valley Springs Police Department. You repeated these serious criminal allegations to a Kern County Sheriff's Department Dispatcher and also to responding deputies. When interviewed by investigators, you provided contradictory statements regarding the reported domestic violence incident and stated you had not been the victim of any type of assault by your wife and attempted to provide an alternative explanation for the injuries (scratches) you had received. While it is unclear when your dishonesty occurred related to the domestic violence incident, you at some point clearly provided false and misleading statements regarding the incident at your home on June 20, 2015. In addition, you delivered a written threat to a Chief of Police which reflects unfavorably upon the Tehachapi Police Department and the entire law enforcement profession.

The preponderance of the evidence indicates that your actions as related to **Allegation #7** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(e)
- Tehachapi Police Department Policy 440.3.5(i)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(m)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi City Personnel Manual Section 6 (A)(2)(a)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Allegation # 8: Deliberate failure to carry out or follow lawful directives or orders from any supervisor or person in a position of authority by contacting a witness in this investigation and discussing the investigation after having been ordered not to do so on January 11, 2016.

On January 11, 2016, you were served a notice of Internal Affairs Investigation by Chief Kroeger. Included within this notice was the following direct order addressing the discussion or communication regarding this investigation:

I acknowledge that I am being given a direct order that until the conclusion of this investigation, I am not to discuss or communicate anything regarding this

investigation with anyone other than my legal representative. I am not to discuss with anyone except my representative that I am the subject of an investigation or that an investigation is being conducted.

You acknowledged this order with your signature on January 11, 2016 in the presence of Chief Kroeger and you were provided the original document bearing your signature (A copy was maintained for the investigative file). You were also verbally admonished by Investigator Mike Van Atta not to discuss this investigation with anyone other than your representative, legal counsel, or your authorized chain of command until this investigation is concluded. He provided this admonishment at the conclusion of your interview related to this investigation on February 11, 2016. You acknowledged this admonishment and indicated that you understood.

On May 9, 2016, Investigator Van Atta and Investigator Hamilton conducted an interview with Bill Feliciano regarding this investigation. They learned during this interview that you had made contact with Feliciano at the mobile home park and discussed details of this investigation. This contact and communication occurred after you had received and acknowledged both admonishments not to discuss the investigation. Feliciano told investigators you had drove into the park in your personal vehicle. He stated that you told him you were under investigation. He responded by asking you why you were under investigation. Feliciano stated you told him you were being investigated for failing to take an elder abuse report, however the investigation was being conducted because you had previously blown the whistle on a sergeant who you called a dirty cop. Feliciano further stated that you told him the guy was doing something illegal and you became a whistle blower at that point. You told him the higher ups, sergeants, and other officers didn't like that very much.

Feliciano also told investigators you discussed with him the elder abuse case involving Linda Sharp. You told him that the department believed you should have gone further and you told him there was no crime and therefore your hands were tied. He said you provided him an explanation as to why there was nothing more that you could do.

During your interview with Investigator Mike Van Atta and Investigator Ben Chavez on June 13, 2016, you admitted to having contact with Feliciano and discussing this case. You initially indicated this contact was over the telephone and stated Feliciano had called you. When investigators informed you that Feliciano had told them you had driven into the mobile home park, you admitted to driving into the mobile home park and having contact with Feliciano regarding this investigation. You told investigators you only told Feliciano to tell the truth. You told investigators you did not have any personal friends in the mobile home park and stated you went to the location to see someone else who was present the day of the call for service.

You deliberately failed to carry out or follow a lawful directive or order from your supervisor or person in a position of authority by contacting a witness involved in this investigation. You clearly discussed the investigation with this witness after having been ordered not to do so on January 11, 2016 and again on February 11, 2016. You did not provide investigators with any reasonable explanation for your presence at the mobile home park or your communication with a witness in this investigation. It is obvious that

your contact with Feliciano was an attempt to interfere with the investigation related to your misconduct and an obvious attempt to influence Feliciano's statement to investigators. You provided false or misleading statements to investigators regarding the content of your communication with Feliciano about this investigation when you indicated you only told him to tell the truth. You also were dishonest with investigators when you told them you had not discussed this investigation with anyone other than your authorized chain of command or your attorney.

The preponderance of the evidence indicates that your actions as related to **Allegation #8** are in violation of the following causes of action:

- Tehachapi Police Department Policy 440.3.5(e)
- Tehachapi Police Department Policy 440.3.5(m)
- Tehachapi Police Department Policy 440.3.5(o)
- Tehachapi Police Department Policy 440.3.5(p)
- Tehachapi Police Department Policy 440.3.5(aa)
- Tehachapi Police Department Policy 440.3.5(ad)
- Tehachapi City Personnel Manual Section 6 (A)(2)(e)
- Tehachapi City Personnel Manual Section 6 (A)(2)(k)

Mr. Graff, the information sustained as part of this investigation displays a number of incidents where you failed to perform your duties as a police officer and failed to uphold your responsibility to protect the welfare of the public. Of greater concern however, is your response to these failures. You refused to accept any responsibility for your actions and instead produced a succession of false and misleading statements in an attempt to shroud your own acts of misconduct. You demonstrated a very disturbing pattern of dishonesty and a total disregard for the truth in undertaking the duties entrusted to you as a Police Officer and as an employee with this Department. As the courts have recognized, it is extremely important for the police to gain and preserve public trust and to maintain public confidence. This requires honesty and credibility and requires that you promptly and accurately follow department policies, particularly when the public is reporting crimes. You have repeatedly violated this trust and your repeated acts of dishonesty can only serve to corrode the public's confidence in the Tehachapi Police Department and in our entire profession. The overall integrity of the Department, the public served, and sworn officers we oversee is contingent upon our ability to properly investigate criminal activity in order to prosecute offenders and protect the citizens of the City of Tehachapi overall.

The preponderance of the evidence in this investigation indicates that you failed to follow department procedures in responding to and investigating numerous calls for service reporting criminal activity and requesting police services. Your failure to take appropriate action on the occasion of these crimes and requests from citizens potentially jeopardized the successful prosecution of these cases, exposed the Department to potential civil liability, and more importantly, eroded the public's confidence in our ability to protect their welfare. You compounded these failures with a web of false and misleading statements. In addition, you made two separate reports to your supervisors

alleging serious criminal conduct which involved false and misleading statements. I cannot ignore these countless acts of dishonesty and a blatant disregard for the truth on your part as a Police Officer and as an employee with this Department.

The results of this investigation sustain that you failed to fulfill your duties as a Police Officer. As a result, I see no other option other than **termination**.

For these reasons and based on the information above and as attached to this notice, I feel that this proposed action of **termination** from your position as a Police Officer with the Tehachapi Police Department is appropriate.

Attached hereto, you will find all the materials considered by me in this investigation.

- o Attachment A - Copy of Department Policies Cited above
- o Attachment B - Copy of the Investigative Reports, Recordings and Attachments.

C. Warning against Retaliation

Please be advised that it is a violation of law, and the City's policies, to retaliate against any person who has participated in providing information regarding the allegations described above. You shall not retaliate against any individual who has provided information to the City of Tehachapi regarding your conduct. You may not contact or in any other manner retaliate against any individual who has provided information to the City of Tehachapi regarding your misconduct.

D. Right to Respond

In accordance with City Personnel Manual Section 6, please consider this your Final Notice of Discipline. In accordance with the section, you have an opportunity to appeal this Final Notice of Discipline by delivering a written answer to the charges and a request for appeal to the City Manager or designee. The written answer and request for appeal must be received no later than ten (10) calendar days from the date of this final notice. You should indicate whether you are requesting a closed or open hearing.

Please feel free to contact me if you have any questions regarding this matter.

Respectfully submitted,

Greg Garrett
City Manager

Acknowledgement of Receipt

Peter Graff

Date